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# The Logan Republican.

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EIGHT PAGES

LOGAN, CACHE COUNTY UTAH, TUESDAY, MARCH 5, 1912

TENTH YEAR

## COMMISSIONERS WORRIED OVER APPOINTMENT OF CITY JUSTICE

Looks Like Appointment of F. J. Marshall was Illegal. Brangham Refused to Turn Over, and May Hold Over For Two Years. Judge Morse Rules on Murray Cases. Mayor Hayball is Vindicated. May Mean Some Nice Entanglements Before Matter is Definitely Settled. City Attorney Will Recognize Brangham if Facts Are Same as Murray Case, Unless Appeal is Taken to Supreme Court.

The City Commissioners appear to be going up against no end of trouble in getting the affairs of their official house in good running order, and the whole trouble is not due to the wholesale raise in salaries, and the creation of offices for their political henchmen either. The latest is the possibility that he whom we have been calling Justice Marshall is not Justice Marshall at all, but just plain Fred. Mr. Marshall was appointed Justice by the new City commission but when he approached Justice Brangham for the books and effects of the office, the latter refused to turn over to him on the grounds that the law said that he (Brangham) "should hold office until his successor was elected and qualified," and that no provision was made in the new law for the election of a successor. The same conditions prevailed in the city of Murray, now operating under the same law as that in force at Logan. The incumbent at Murray held to the same opinion as Justice Brangham and lodged a suit in the court to retain his office. This case came before District Judge C. W. Morse, who ruled in favor of the holdover, and issued an injunction prohibiting the new appointee from acting. The case is reported in the Salt Lake papers as follows:

"Under ruling of the district court yesterday by Judge C. W. Morse, Carl M. Mork will continue justice of the peace in Murray precinct until some means is found of electing his successor. As no such election is provided for cities of the second class under the commission form of government which exists in Murray, the outlook is that Mork will have undisputed title to the justiceship for some time."

"The ruling was made in the case of the state of Utah ex rel Carl M. Mork against Charles H. White, an action to restrain White from performing any of the duties of justice of the peace on the ground that he had been illegally appointed by the Murray city commission. The court upheld the contention of Mork and issued an injunction prohibiting White from acting."

"The peculiar tangle was brought about by the fact that the commission law as it applies to cities of the second class failed to provide an election for justice. Consequently Mork who had been elected for two years and whose term expired, continued in office. The commission, however, contended it had authority to appoint a justice and named White. Mork immediately went into court on the ground that the state law required him to hold office until his successor was elected and qualified. Mork may remain justice until the legislature meets and remedies the law."

Just what steps will be taken in Logan are problematical. It was stated yesterday by some of the officials

## DAIRIES OF COUNTY IN FINE CONDITION

Having made a complete tour of Cache County during the past four weeks, Assistant State Food and Dairy Commissioner J. Carlos Lambert will today leave for Weber County to continue his work of creamery and dairy inspection.

According to his report very satisfactory conditions now exist in this valley. During the month of December and January between thirty and forty sanitary notices were issued to dairymen, to which all have complied, except those whose time has not yet expired.

The state officials feel to congratulate Cache dairymen on the methods now used in handling their products and assert that with continued adherence to rules now set, the valley will continue to hold the front rank as a dairy county of the state.

that in all probability City Attorney Law would immediately recognize Justice Brangham, but such statements were without serious consideration. In conference with the City Attorney we were informed that he would acquaint himself with the case and the ruling of the court, and if the facts were similar, and no appeal was going to be taken, he would recognize Mr. Brangham. Otherwise he would recognize Mr. Marshall until the matter was definitely decided.

In all probability it will be up to Mr. Marshall to move, as the Murray appointee expresses himself as satisfied with the ruling and that the matter is not worth pursuing further. Steps on the part of Mr. Marshall should be taken at once as there is a serious side whereby the city will be involved. In case the Supreme Court upholds the ruling of the District Court all the acts of Mr. Marshall would be void, all the fines he has imposed would be of no effect, and the individuals involved would have a cause of action against the city. In the interests of the city, Mr. Marshall should act at once.

The commissioners were the victims of criticism from various sources yesterday, the chief claim being that they should have taken time to investigate before making questionable appointments. In justice to the Mayor it should be stated that he demurred in the matter stating that he did not think the appointment would stick and did not favor it. "An ounce of prevention is worth a pound of cure" would have been a good motto for the commissioners to have adhered to, but as they did not do it, the course now would seem to be one that will bring the matter to a head without delay. Surely the people ought not to be played with in this fashion, a multiplicity of officers are expensive, and Logan certainly has had sufficient advertising already incident to the Marshal Peterson-Recorder Benson mix-up, and surely ought not to be subjected to another fiasco of like character.

## CITY SUB-STATION

### BEING RE-FLOORED

A force of men has been employed during the past week in making repairs to the transformer house in Canyon Road.

It was found that the combined weight of the six heavy transformers was too much for the floor and the result was that it began to sink. Heavily reinforced piers have now been placed under each transformer and the whole supplemented by a heavy surfacing of cement.

## HE WOULD GO TO

### THE PENITENTIARY

Evanston, Ill., March 2.—"If I were a woman and a property owner I would go to the penitentiary and die there before I would pay taxes without the given right to vote," said the Rev. F. G. Smith, Congregational minister and member of the Illinois legislature, in a speech here last night on the subject "The Relation of the Church to Politics."

"The property owning woman is as much oppressed as we were when our flag was born," he continued. "Without a right to the ballot one is a mere nothing."

He also delivered a denunciation of present-day political conditions. He said that the people of Illinois were no better than any grafting legislator whom they permit to be elected by remaining away from the polls."

Miss Amy Villet left yesterday morning for her home in Salt Lake City, after a pleasant visit with her mother, Mrs. Jane Thatcher.

## CACHE VALLEY GREAT MILK CENTER

OFFERS SPLENDID ADVANTAGES FOR GREAT INDUSTRY. REPRESENTATIVE OF GREAT BORDEN INTERESTS SO BELIEVES.

"Cache Valley offers splendid advantages for dairying and in my judgment, ranks with any county I have visited."

Such was the expression of Mr. C. C. Lowbeck, Assistant General Superintendent of the Borden Condensed Milk Co., when interviewed by a representative of the Republican yesterday.

"I have been here now nearly two weeks," said Mr. Lowbeck, "and in that time I have had some opportunity for looking over the county, and I believe it is ideally adapted to our business."

The climate seems to be about right, and the pasturage is excellent; and altogether it makes an ideal grazing country."

Asked as to the future intentions of the company as regards the local plant, Mr. Lowbeck said: "As to our future plans regarding our newly acquired branch here I cannot say much more than that it will be improved and enlarged as the business merits it from time to time, and we will co-

operate in every way possible with the local farmers, and stockmen in bringing the product of their dairy cattle to the very highest standard."

When it is understood that the Borden Condensed Milk Co., is capitalized for \$30,000,000; thirty million—not thousands—with 126 factories scattered throughout the United States, and 3 others in Canada, the importance of the business to this section of the state may be readily understood.

Subsequent inquiry elicited the information that the Borden company maintains a force of dairy inspectors and veterinary doctors whose duty it is to visit every herd that furnishes milk to their various plants.

These experts make a practice of visiting each farmer at least twice every year and advise with him as to the proper care of his cattle.

One of the dairy inspectors is due here within the next few days and he will remain permanently in this section.

## SHARP AND ECCLES VISIT THE COAL FIELDS OF SOUTHERN UTAH

William G. Sharp, president of the United States Smelting, Refining and Mining company, and David Eccles of Ogden and others returned last night from a trip into the Emery and Carbon county coal fields, where they investigated several coal properties which probably will be taken over by the Utah Coal and Coke company, the company allied with the Utah Coal Railway company in the proposition to invade these fields with a railroad from Provo to Mehrman.

Mr. Sharp, who has purchased a large block of stock in the Castle Valley Coal company, the entire stock issue of the Blackhawk properties and other operating mines in Carbon and Emery counties, would say nothing in addition to what already has been said regarding the plans of the Utah Coal and Coke company which will, it is understood, take over the properties in which he has bought an interest and operate them under one management. Mr. Sharp would not discuss the connection between the Utah Coal railway and the Coal and Coke company.

Reports from Emery county, where Mr. Sharp, Mr. Eccles and the remainder of the party have spent the last few days, indicate that the interests which Mr. Sharp and his brother, Joseph R. Sharp, represent, will within a few weeks control virtually

the entire coal field in that county. The only property of consequence still to be bought into is the Consolidated Fuel company, with which a call for a large block of stock, perhaps the entire issue, is pending.

When asked last night regarding the various options and proposed railways for Emery and Carbon counties, David Eccles of Ogden said that statements recently made in the press of the state in regard to these railways were largely exaggerated.

"I have not received a dollar for any of the stock that I hold in the companies, nor have I given any options," said Mr. Eccles. "Other men can speak for themselves."

Mr. Eccles admitted that he and Mr. Sharp, together with engineers and others, had looked over the country with a view of determining the feasibility of the proposed railways, but that nothing was decided. He expects the roads to be eventually put through, but thinks it will be months before the matter is decided.

When questioned regarding the proposed interurban to Cache county, Mr. Eccles said that work would be commenced in about sixty days and cars operated by the middle of summer. He has secured franchises from Providence and Hyde Park as well as Logan.

## SUMMER SCHOOL SESSION AT THE AGRICULTURAL COLLEGE

The summer school at the Agricultural College will be held this year as previously, the changes this year being that five days will be spent each week instead of six and the session will extend an additional week longer than usual. Many of the heads of Departments of the College have been notified that their services will be required during the early months of the summer to instruct the teachers of the state who assemble at that time. During the summer special emphasis will be placed on subjects of General Science, Psychology, Nature study, Literature, and such other subjects as are generally demanded by the teachers of the state; and additional emphasis will be placed on subjects of an Agricultural or Industrial nature. The state Board accepts credits for any of these subjects taken at the College in lieu of examination.

## TREAT FOR OLD FOLKS

Next Wednesday, March 6th, the old folks of Logan will be the guests of the Lyric Theatre. Mrs. Bertelson the manager announces that upon that date from 2:30 to 5 p.m., all of the old folks of the city will be

made welcome at this popular moving picture house and a splendid assortment of pictures suitable for the occasion will be shown.

It is urged that the various Old Folks committee of the city give the matter as much publicity as possible so that no one may be deprived of the opportunity of attending.

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## B. Y. COLLEGE TEAM WINS STATE HIGH SCHOOL CHAMPIONSHIP

Basketball Team of Local Institution Wins Northern Division Championship; Then Passes Through the High School Tournament at a Record Breaking Pace. Team Lauded on Every Hand. Salt Lake Sportsmen Think Team Should be In Intercollegiate Class. Champions Royally Entertained by Student Body. Enthusiastic Meeting Held in Nibley Hall Last Evening.

Members of the B. Y. College basketball team returned home Sunday from Salt Lake, each with the scalps of his individual opponents dangling from his belt, and collectively carrying the undisputed title to the State High School championship.

The boys left Logan Monday morning February 26 for Salt Lake where they were scheduled to play off the tie with the Weber Stake Academy to determine who should represent the northern division in the state tournament. The game was played in the Granite Stake gymnasium on Tuesday evening and according to those present it was among the finest exhibitions ever witnessed in the state. The final score was 51 to 28. Winning that game placed them in line for the championship.

Upon entering the tournament the B. Y. drew a lucky number for place, hence were not called to play until Friday night. That evening they played with Spanish Fork. The team from the south was no match for the Loganites, as indicated by the score 74 to 21, which was taken at the end of thirty minutes of actual play when it was mutually agreed to stop.

Saturday evening the two undefeated teams: L. D. S. of Salt Lake and the B. Y. College, of Logan, were pitted to decide the league championship. Both teams had played good ball through the tournament, and both continued so to do, but the work of the Crimson seems to have completely bewildered the Saints, for the game was won by a score of 37 to 21. Thus B. Y. College boys were declared champions.

Speaking of the work in this last game, the Salt Lake Tribune says in part as follows:

"In the third game the Logan team put up by far the best game of the tournament, and if Logan plays the same class of ball all the time the team is worthy of a position in the intercollegiate class. There are no other guards in the high school class who are anywhere near the class of Christianson. He was not only sure on foul throws, but he kept Captain Howe of the L. D. S. from scoring a point from the field. Christianson was not the only star on the northern team, for every man on the team completely outclassed his individual opponent. Packer and Hill were so fast and strong in the forward positions that the L. D. S. guards seemed lost."

The boys fought hard and are now victors; they fought fair and have reaped great honor.

They were yesterday honored by their school in a manner most telling in its nature. At 4 o'clock yesterday afternoon, headed by their band, the entire student body paraded the streets of Logan, giving cheers and singing their songs in a spirited manner.

At 7 o'clock last evening a short, spicy program was rendered in Nibley Hall, at which spirit ran to its highest. Remarks were made by members of the student body, school authorities and Hon. Herschel Bullen.

Following the meeting the throng

## ADDITIONAL LOCALS

The County Fair Amusement company will be at the Smithfield Tabernacle on Wednesday evening, March 6th, and give a free entertainment to boost the County Fair for 1912.

One of the big real estate deals of the year was closed yesterday when Mr. H. Brady purchased the Watson estate in the west field. This is one of the old places of the county, and is very fine property. Mr. Brady will take possession on November first and will stock the place with pure bred cows and horses.

repaired to the library and gymnasium, where feasting, dancing, cheering and speech-making completed one more glorious day for students in this great educational institution.

But few Loganites witnessed the games in Salt Lake City, but the boys of the B. Y. C. are loud in their praise of the attitude assumed by Hon. L. R. Martineau, who is a member of the Board of Directors of the College. It is said that Mr. Martineau attended every game, stood loyally by the team and finally invited the boys to a banquet at the Commercial Club.

## PRESIDENT TAFT

### SIGNS PROCLAMATION

Washington, March 4.—To provide carrying out an agreement under which South Dakota school lands will be exchanged for National Forest land of equal area and value, President Taft has signed a proclamation which makes it possible for the State to select immediately 60,143 acres of land from the Harney and Sioux National Forests.

This will permit the indemnity selection by the State in place of school lands, lying along and within the boundaries of the Black Hills National Forest, which will become part of the Forest. A board of three, on which Supervisor Paul Kelleter of the Black Hills National Forest has represented the Department of Agriculture and F. F. Brinker, Commissioner of the Department of School and Public Lands of the State of South Dakota, has represented the State, with Seth Bullock as the third member, has made a careful study to learn the value both of the school lands and of the areas now relinquished by the Government. Field parties have gathered data for every section involved, with the result that the lieu areas are known to be a fair exchange for the school lands to which the State relinquishes its claim.

This exchange is the first fruit of a plan inaugurated by the Forest Service several years ago, and laid before the Governors of various Western States with a view to settling the vexed question of school land within National Forests. An agreement similar to that with the State of South Dakota has been entered into with Idaho, and negotiations with other states are pending.

The consolidation of areas into compact bodies will enable both the states and the Forest Service to manage their respective holdings more advantageously than would otherwise be possible, and will enable the state to obtain better returns for the benefit of its schools.

Under the terms of the proclamation or from the approval of the official plat of survey of any unsurveyed land covered by the agreement.

## TREMONT HOTEL PLACED UNDER QUARANTINE

The Tremont Hotel was placed under quarantine by City physician T. B. Budge, yesterday morning.

One of the roomers complained of illness and Dr. Budge was summoned. A glance was sufficient to pronounce the case smallpox as the characteristic pustules were already in evidence.

The doctor immediately placed the inmates of the place under quarantine and will be kept in long enough to insure a proper period of time for incubation, after which, if no other cases develop, they will be released.

The patient has been isolated from the rest of the guests and will be kept so during the entire period of quarantine, namely, twenty-one days.